

² The Board notes that OWCP subsequently issued a March 22, 2021 decision, which vacated the December 16, 2020 merit decision. However, a appellant had already filed the current appeal to the Board on January 28, 2021. OWCP may not simultaneously have jurisdiction over the same issue. Consequently, the March 22, 2021 decision is set aside as null and void. See 20 C.F.R. § 10.626; see also *A.C.*, Docket No. 18-1730 (issued July 23, 2019); *M.C.*, Docket No. 18-1278, n.1 (issued March 7, 2019); *Russell E. Lerman*, 43 ECAB 770 (1992); *Douglas E. Billings*, 41 ECAB 880 (1990).

employee under the American Rescue Plan Act of 2021 (ARPA) and that he is entitled to appropriate benefits under FECA. The Director requested that the December 16, 2020 decision be set aside. The Director further advised that, upon remand, OWCP would reissue its decision on appellant's entitlement to FECA benefits for exposure to COVID-19 while in the performance of her federal duties, and authorize the payment of appropriate benefits as claimed.

The Clerk of the Appellate Boards served appellant with a copy of the Director's motion to remand. No reply was received.

The Board, having duly considered this matter, grants the Director's motion. On remand OWCP shall reissue its decision on appellant's entitlement to FECA benefits for exposure to COVID-19 while in the performance of his federal duties, and authorize the payment of appropriate FECA benefits as claimed by appellant.

IT IS HEREBY ORDERED THAT the motion to remand is granted. The decision of OWCP dated December 16, 2020 is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: March 16, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board